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SUBJECT: EIGHTH ANNUAL TIP REPORT FOR LAOS

REF: STATE 2731

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SUMMARY  
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11. (SBU) Laos is overwhelmingly a sending country for trafficking, although on a small scale it is also a receiving country, with some domestic trafficking victims in the commercial sex trade. The vast majority of Lao who seek work abroad, including those who are victims of trafficking, go to Thailand, where cultural and linguistic similarities and an abundance of work opportunities help ensure Lao can find ready employment. Laos' trafficking problem is largely a matter of economics: Laos is among the poorest countries in Asia, and its poverty and abundance of unemployed or underemployed youth provide a steady stream of laborers to Thailand.

12. (SBU) The Government of Laos (GOL) has put trafficking high on its agenda in the last year, with statements at the highest levels - including the Deputy Prime Minister/ Minister of National Defense - calling for increased public awareness and protection for victims. In 2007, the GOL began an intense focus on preventing the trafficking and exploitation of children, primarily through public awareness campaigns and statements by senior leaders. Efforts to address internal trafficking seem to be increasing, with ongoing investigations; mentions of the problem in the government-controlled press; statements by senior leaders, including the Deputy Prime Minister; and referral of domestic victims of trafficking, proactively identified by local authorities, to a shelter run by the Lao Women's Union (LWU). Victims of internal trafficking are almost exclusively in the commercial sex trade; post has seen no evidence of forced labor within Laos during the reporting period.

13. (SBU) Civil servants' salaries are low (usually \$35-\$60 per month) and corruption is rampant. GOL officials are susceptible to involvement in trafficking in persons, trafficking of narcotics and wildlife, illegal logging, and other money-making schemes. However, post has no reports of particular cases of trafficking with the involvement of GOL officials. Although the GOL has a number of well-written laws on the books, has signed important international agreements on the issue, and is drafting comprehensive plans to combat trafficking, it continues to suffer from an extremely low level of capacity in training, knowledge, and resources to

effectively prevent, prosecute, or protect victims. The GOL is increasingly open to assistance from international organizations and NGOs to help fill some of those gaps.

14. (SBU) Lao police are by-and-large unskilled in investigations and unknowledgeable about trafficking crimes. Working closely with international and non-governmental organizations, the GOL is attempting to remedy the situation with training classes for police and law enforcement officers, investigators and prosecutors, customs and border officials, transport and construction ministry officials, tourism leaders, journalists, and representatives of just about every other segment of society that time and resources allow it to reach. However, corruption within the Lao police and court systems has made it relatively easy for traffickers to avoid prosecution. In addition, Lao society is not used to working out problems through the legal system, preferring to use arbitration and mediation through respected village leaders. With only 80 members in the Lao Bar Association, half of whom do not have formal legal training, convincing victims to bring their cases to the authorities for formal prosecution continues to be a challenge. (Note: Most prosecutors and judges are not members of the bar. Usually, bar members are academics or in some form of private practice. Neither formal legal training nor LBA membership is required to practice law in Laos. End note.)

15. (SBU) The penal code was amended in 2006 to include a specific definition of trafficking and the penalties commensurate with the crime (Article 134). However, passage of the law is only the first step in enforcement, as the legal community and NGOs work to train officials to apply the new code. As a result, according to the Ministry of Public Security, police investigated 38 cases of Article 134 violations (human trafficking) in 2007, resulting in 23 arrests and 8 cases sent for prosecution. Those 8 cases remain in the court system, with another 20 ongoing investigations. (Note: Unlike previous years, post is not reporting trafficking-related prosecutions; as per instructions, we are including only those cases falling specifically under Article 134 of the criminal code for trafficking in persons. End note)

16. (SBU) Most migrants from Laos make their own way to Thailand. Those that fall victim to traffickers usually do so once they find employment, but others can fall prey to traffickers as they seek assistance from middlemen either to cross the border or to arrange onward employment. Many, if not most, of these migrants go to Thailand knowing the risks but attracted by wages that are far higher than at home. Based on studies of Lao seeking employment in Thailand, most who make the trip are not the poorest, who lack the means to go, but are relatively well-off farmers or their children who live close to the Mekong and have a familiarity with Thailand. Lao workers in Thailand undoubtedly face many difficulties, as many returnees relate, but many find the rewards worth the risks and remain in Thailand for years. Many of those repatriated to Laos eventually return to Thailand to seek employment again. NGOs have recently expressed concern about a study showing that as many as 50% of formally-identified trafficking victims, all of whom have received some kind of assistance and protection, have returned to Thailand. In a more disturbing development, those victims appear to be acting as "magnets," taking others from their local villages back across the border with them on the assumption that, having been through a bad situation once, they are now the authorities on how to avoid repeating their mistakes. All of these trends bear watching.

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TIP REPORT RESPONSES  
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17. (SBU) Hereafter paragraphs are keyed to the paragraphs and questions in reftel, with the paragraph numbers from reftel given in roman numerals. The entire text of the 2008 TIP report for Laos is sensitive but unclassified (SBU).

XXVII. Overview of Country's Activities to Eliminate Trafficking in Persons

A and B. Laos is almost exclusively a source country, with the vast majority of those trafficked going to Thailand. Because of the country's extreme poverty and poor wages, few traffickers see Laos as a destination for their victims. (Lao factory workers earn

between \$49-\$100 per month, while the minimum wage in Thailand is roughly \$150 per month.) Laos also serves as a transit country in a small number of cases, although the potential for further transit grows as road construction and infrastructure projects accelerate, linking China, Vietnam, Thailand and Cambodia through Laos. Although much smaller in scope, internal trafficking is also a problem, almost exclusively with young women and girls falling victim to the commercial sex trade in urban areas. Post has seen no evidence of forced labor in Laos during the reporting period.

The World Bank in 2006 estimated that there are at least 250,000 Lao workers employed in Thailand, of whom 80,000 are unregistered according to the Thai Ministry of Labour. The Lao Ministry of Labor and Social Welfare puts the number of Lao workers in Thailand at 150,000, noting that most are there illegally. There are no generally accepted figures on how many of these persons are actually trafficked. Although some of these Lao are trafficked to Thailand, the large majority go to Thailand on their own, following the advice of friends and relatives. Others use the services of middlemen to help them locate work in Thailand. The majority of migrant laborers, and presumably the majority of trafficking victims, originate from central and southern Lao provinces and Vientiane Municipality. The groups most vulnerable to the worst forms of trafficking are minors, especially girls, and highland minorities from Laos' interior. While the UN Interagency Project on People Trafficking (UNIAP) believes the number of minorities trafficked to Thailand is small, minorities are far more vulnerable to exploitation than are lowland Lao because of their lack of Thai language skills and overall unfamiliarity with Thai society. UNIAP studies show that the majority of formally-identified victims of trafficking are girls between the ages of 12-18, from rural but not remote or extremely poor areas, belonging to the lowland Lao or Tai ethnic group (approx. 66% of the population), with some basic education. A 2004 International Office of Migration (IOM) study adds that most were employed in domestic labor and factory work (only 6 of the 124 surveyed by IOM were employed in the sex industry), and most had been deceived about the conditions, but not the type, of work they went into. Other studies suggest that one-third of trafficking victims were employed in the sex industry.

In 2007, 280 formally-identified victims of cross-border human trafficking were returned to Laos, bringing the total number of victims repatriated to Laos from Thailand since 2001 to more than 1,044. An additional 21 were repatriated in January 2008. Staffing problems in Thailand have delayed the February repatriation until March 2008. Of those victims, 60% have been from the cities of Vientiane or Savannakhet. Approximately 100 other victims are currently residing in rehabilitation centers inside Thailand, according to details provided by the Lao Ministry of Labor and Social Welfare (MLSW). However, almost all Lao government agencies, international organizations, and NGOs working in the trafficking sector note that the vast majority of victims are not formally identified. Most who return to Laos do so by crossing back and returning to their villages or to larger urban centers, largely without contact with authorities. IOM and Agir pour les Femmes en Situation Precaire (AFESIP), a French NGO specializing in victims of sexual exploitation, both note that victims generally prefer to avoid Thai authorities and what is usually a stay of 5-8 months in the shelter in Thailand. Male victims are rarely formally identified or seek assistance.

UNICEF believes that there are four areas where Lao are most likely to fall victim to exploitative conditions: the southern Thai fishing industry (for men), prostitution, domestic labor, and factory work (for women). Most Lao working illegally in Thailand do so in Bangkok (especially in factories, domestic labor and prostitution), with a smaller number working in the northeast (prostitution and migrant farm labor).

Some Lao who seek work in Thailand fall victim to the worst forms of trafficking; the majority of these victims are females, but males are also victims, especially of exploitative labor. Most NGOs believe the majority of trafficked persons become victims once they reach their destinations, particularly at their places of employment, rather than during the migration process itself. According to information from NGOs, the government, or in the literature reviewed here, there are no cases of kidnapping, very few cases reported of the "sale" of minors by parents or other figures

to traffickers, and little occurrence of pressure to migrate from parents.

The prevailing people-smuggling mode in Laos remains transportation to a job in exchange for payment up front. Lao people in lowland areas are anxious to obtain work abroad and are willing to pay smugglers and traffickers to assist them in seeking work, especially in neighboring Thailand. However, a report by Voice of America on February 2, 2008, stated that one trafficking "gang" in Laos has recently changed its methods in response to greater efforts to combat trafficking by Vientiane authorities. According to the report, the "gang" is attempting to build relationships with parents in target villages and convince them to send their children to work for them in purportedly legitimate jobs. Generally smugglers and traffickers fit no particular profile. Aside from the Thai employers who traffic the victims when they reach their destination, most cross-border traffickers are probably Lao nationals with experience in assisting cross-border labor movement. There are likely also some Thai traffickers operating in Laos intermittently. Some recruiters and smugglers of people are helping fellow villagers, even family members, to migrate, while others probably make trafficking a full-time business.

IOM's 2004 study of trafficking between Laos and Thailand found that nearly one-third of Lao trafficking victims had family members in Thailand, suggesting this may have been a factor in their decision to seek work there. Most of those trafficked traveled with a small group of friends or relatives. Brokers' fees varied widely, from as little as 500 baht (about \$14) to as much as 30,000 baht (\$880). The majority, however, paid between 2,500-7,000 baht (\$75-\$205) in broker fees, if they used one.

According to Norwegian Church Aid, many migrants borrow money from "those who transport them" or from neighbors to finance the travel. This suggests a vulnerability from indebtedness that can lead to subsequent exploitation. Initially, migrants may go on their own or be hired by agents, but many would try to help the migration of friends or relatives once they had arrived at their destinations. Young people would rather rely on informal networks of friends or relatives than agents for transport, accommodation, and employment. Younger children who do not have these networks, or travel without informing their families, are those most likely to rely on agents or solely on themselves, and are hence most at risk from traffickers.

One August 2006 study by the UN notes that adult men and boys are more likely to be traveling with friends, to known destinations, without "help" by middle-men. Conversely, women tended to be younger, more likely to rely on agents which often involved incurring debts, less likely to know where they were going, and more likely to migrate alone or with only a few friends.

Most Lao learn of work opportunities in Thailand by word of mouth, from those who have made the trip and returned, and in many cases from friends and family members. In at least some cases, particularly of young women involved in prostitution in Thailand, the women themselves act as recruiters for others when they return to Laos to visit family and friends. An unpublished 2007 IOM study indicates a new and disturbing trend: approximately 50% of formally-identified trafficking victims, who have received assistance to reintegrate into their communities in Laos and formal protection from the authorities, returned across the border seeking work in Thailand. Furthermore, they apparently acted as "magnets" for their peers, perhaps with the assumption that, having fallen victim once, they are now in a better position to avoid those situations and help others do the same. The Director of the LWU shelter confirmed this trend, noting that, even after counseling and vocational training, many victims still cannot find employment in Laos and choose to return to Thailand.

False documents have sometimes been used to transport people from Laos to other countries but have not been needed to enter Thailand. Border crossing cards are easily obtainable; they are only valid for a few days' travel and only for specific Thai provinces, but once across the border the holders easily ignore these restrictions. Many Lao entered Thailand without documentation, usually crossing the Mekong River by boat or traveling across an unmonitored land border.

The Lao and Thai governments signed an anti-trafficking MOU in mid-2005 that established a framework for cooperation between the two governments. A Lao-Thai Joint Action Plan to Combat Human Trafficking was completed in late 2006. IOM has been a key supporter of Lao-Thai efforts to implement all elements of the MOU. The February 27, 2007, signing of an MOU between the GOL and IOM has allowed IOM to establish a presence in Laos and to work more closely with the GOL on implementation.

1C. Laos is a member of the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) process, established in 2004, and under COMMIT the GOL has established a Ministerial-level National Steering Committee on Trafficking with members chaired by a Deputy Prime Minister who is concurrently the Minister of National Defense. The Secretariat of that organization is presided over by the Director of

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Investigations, Ministry of Public Security (MOPS). The MLSW has the lead in trafficking prevention, as well as victim's assistance and reintegration. MOPS has the lead on investigations and arrests, while the Ministry of Justice (MOJ) and the Public Prosecutor's Office manage the criminal process. The LWU, a broad-based mass organization, has been involved in anti-trafficking efforts since the mid-1990s. The LWU has been active, within its limited means in protection and prevention work and currently runs a shelter in Vientiane for victims of domestic abuse, sexual exploitation, and human trafficking. The Ministry of Foreign Affairs (MFA) chairs a regular meeting with all relevant GOL offices and all the NGOs and international organization in the sector to coordinate activities, in addition to facilitating meetings with counterparts in Thailand, Cambodia, Vietnam, and China on regional trafficking matters. All of the GOL agencies listed above are represented on the Ministerial Steering Committee. The Lao Youth Union, Federation of Trade Unions, and Ministry of Education also play roles in educating potential trafficking victims. Public awareness campaigns and journalism training - both of which have received significant attention in the

reporting period - are run with the assistance of the Ministry of Information and Culture, which controls the Lao media.

1D. Lack of resources is the biggest impediment to the government's ability to address trafficking problems. The GOL is largely dependent on the donor community to fund anti-trafficking activities, just as it depends on international donors to fund activities in almost every sector. Post notes that 70% of the government's capital budget comes from official development assistance. There are only about 10,000 police officers in a country of 6 million people. The LWU Shelter is funded mostly from international or NGO assistance, and the GOL depends on IOM and AFESIP to further provide long-term assistance for immediate needs and reintegration. The GOL does fund the transit center, where a victim remains for approximately one week while authorities conduct family and victim assessments to determine if the victim wants to return home or move to another shelter.

Corruption is another serious problem: it is endemic in Laos, particularly in law enforcement where salaries are minimal. Poor human resources pose yet another problem. Few Lao officials have the knowledge base or skills to carry out their jobs at international standards. The higher level of development in Thailand, the long and porous border between Laos and Thailand, and the corruption of Lao border officials make controlling cross-border trafficking extremely difficult.

A weak judicial sector and the population's general reluctance to use the court system make it difficult to investigate charges of both internal and cross-border trafficking. For example, the Lao Bar Association (LBA) has only 82 members, and half of them are without formal legal training. Legal aid clinics in and outside of Vientiane, begun in June 2007 with funding from The Asia Foundation, have made a little headway in raising awareness about the role of lawyers in protecting society; moreover the LBA still does not have the resources to handle the few cases that are brought to its attention. Through the aid clinic program, the Bar Association is currently working on one case for a victim of internal trafficking and one of cross-border trafficking. Neither case has been referred to the police yet. The legal aid clinic, although small, is a promising avenue for victims of internal trafficking, since they

need assistance in navigating the legal procedures to bring their traffickers to justice. Rather than resorting to the formal legal system, most Lao, of all ethnicities, prefer to rely on village mediation and respected local authorities to settle disputes. Many victims of trafficking likely do not understand what resources are available to them in the judicial sector, even if the local officials in their areas have received training on human trafficking investigation and enforcement procedures.

The Lao-Thai border is extremely porous, and Lao going to Thailand can easily avoid official scrutiny. Post has not received any specific reports of actual trafficking cases involving government complicity or particular officials colluding in human trafficking during the reporting period, from NGOs or other sources, but the poor salaries and general levels of corruption make such involvement likely.

Many donors believe that resources for anti-trafficking should be focused on education and reintegration rather than on law enforcement. Laos is only beginning to develop rule of law; the justice system is inefficient; and poor conditions in the penal system have raised serious human rights concerns in the international community. Given the nature of the Lao regime, calls for more police powers are inimical to USG political values, and pressure for heightened levels of police activity must be very carefully considered. In the meantime, international efforts to bring professional skills and capacity to the investigation and prosecution efforts continue. The UN Office for Drug Control and Crime (UNODC) and the Asia Regional Trafficking in Persons Project (ARTIP), an Australian effort, run local and regional training programs with MOPS, MOJ, and Public Prosecutors offices. So far several hundred Lao law enforcement officials have received some form of training on combating human trafficking from March 2007-February 2008.

The Prime Minister issued an order in December 2005 to stop the practice of fining or otherwise penalizing returnees from Thailand. Training for immigration officials followed issuance of the order. As of January 2007, the Lao government stopped requiring exit permits for Lao to travel abroad, which further reduced the practice of penalizing illegal migrants upon return. The instructions against fining, and the removal of the legal basis for those fines (failure to procure exit permits) have apparently been effective in reducing the financial penalties faced by trafficking victims.

However, NGOs warn that this "special treatment" - i.e. assistance in returning home, vocational training, etc. - is perceived as an advantage by illegal migrants who are not identified as trafficking victims. In small villages where everyone knows everyone else, this makes it impossible to protect the privacy of the victims and makes trafficking appear to convey some tangible advantages on its victims. (Comment: Several NGOs in Laos have raised their concerns about the increased attention on reintegration and assistance for victims for just this reason.)

The Government is studying the patterns of trafficking, assistance delivery, and reintegration to find better ways to assist victims of trafficking. AFESIP, an NGO with a focus on rehabilitation for sex workers, assists the MLSW with family assessment for victims at the transit shelter before they are returned to their homes. After a week at the transit shelter, run by the MLSW, victims may ask to either go home or receive additional counseling and assistance. The majority request to return home, having just spent 5-8 months, or up to a year, in shelters in Thailand. The remainder are referred to the LWU shelter or the AFESIP shelter, where they receive counseling and vocational training for anywhere from 14 days to 6 months. The LWU shelter in Vientiane assisted 48 victims in 2007 and is housing 40 victims as of February 2008, its maximum capacity. The Director estimates that one-third are trafficking victims, almost all of them trafficked within Laos. The remaining 2/3s are victims of domestic violence or sexual assault. The AFESIP shelter has assisted 20 victims in their shelter as long-term residents in 2007, is currently housing 19 victims as residents. It has assisted another 46 victims with vocational training and employment services through their social enterprise project (essentially beauty shop training). Both LWU and AFESIP try to place former victims with employers, if the victims do not wish to return home, and follow up on a regular basis.



AFESIP broke ground on a new shelter in Savannakhet Province in October 2007, on land donated by the MLSW, intended to increase capacity and bring its counseling and vocational training services closer to the victims and their families - most of whom are from southern Laos. AFESIP will also construct a transit shelter for the MLSW on the same site, doubling the MLSW's overall capacity and providing a second site closer to another trafficking hotspot. The shelters are scheduled to open by the end of 2008.

1E. Statistics in Laos are notoriously unreliable and difficult to find. However, the GOL understands that international assistance and monitoring require that the GOL collects more information to better understand the trafficking situation and evaluate new programs. The MLSW, for example, completed a study of 250 child victims in 2007, looking at their homes, trafficking routes, jobs, health, and education. As part of the COMMIT process, MOPS is collecting data - and sharing it with the international community - on trafficking arrests and investigations under the new Article 134 of the penal code. The LWU and MLSW keep track of the numbers of victims in the transit shelter and LWU shelter. The GOL has signed Memoranda of Understanding (MOUs) with IOM, World Vision, AFESIP and others to work on programs to protect victims, and usually gathers data on trafficking patterns and the victims as part of the work of these NGOs. In July 2007, Government-controlled Lao media published a study on the impact of a trafficking awareness campaign, noting for example that 71% of young people had heard the term "human trafficking" and that the majority had heard it from the media. The National Plan of Action, drafted with the assistance of the international community, is the first in the region with specific metrics for evaluation. However, the Plan has not yet been approved by the Prime Minister.

#### XXVIII: Investigation and Prosecution of Traffickers

A, B, and C. Laos has a law specifically prohibiting human trafficking, for both sexual and non-sexual purposes.

In 2006, Laos enacted the revised Article 134 of the penal code. While other laws passed earlier appear to have criminalized human trafficking, representatives of the Ministry of Public Security told Emboff that, without a penal code article, it has been virtually impossible to prosecute a trafficker under specific human trafficking provisions in other laws.

Begin Text:

##### Article 134: Human Trafficking

Human trafficking is the seeking, concealing, transporting or taking of people within or from other countries by means of deception fraud, threats/intimidation, duress, financial constraints or other means for the purpose of labor exploitation, prostitution, dissemination of pornographic material, or other purposes contrary to national culture, removal of body organs for the purpose of making illegal gains.

The above mentioned actions performed on minors/children under 18 years of age will be considered as human trafficking even in the absence of deception or fraud, intimidation, duress or financial constraints.

Any person performing infractions in the category of human trafficking shall be punished by privation of liberty for a period of five to fifteen years and shall be fined an amount of 10.000.000 to 100.000.000 Kip [note: USD 1086 to 10,860] and shall have their assets confiscated according to Article 32 of this law.

In the case with infractions performed habitually, performed as an organized group, the victim is a child/minor, the victim is two or more people, the perpetrator is a close relative, or the victim is seriously injured, is physically maimed or has lost mental faculties the perpetrator performing the infraction in the category of human trafficking shall be punished by privation of liberty for a period of fifteen to twenty years and shall be fined an amount of 100.000.000 to 500.000.000 Kip (note: USD 10,860 to 54,300) and shall have their assets confiscated according to Article 32 of this law.

In the case where the offence results in the victim being

permanently disabled, contracts AIDS or results in the loss of life, the perpetrator as a human trafficker shall be punished by privation of liberty for life imprisonment and shall be fined an amount of 500.000.000 to 1.000.000.000 Kip (USD 54,300 to 108,695) and shall have their assets confiscated according to Article 32 of this law or shall be executed/sentenced to death.

When the offence is in the category of trafficking women or children the law on the Promotion/Development and Protection of women can be applied.

Preparation to commit, attempt such infractions shall be punished.

End Text.

As noted, the Law on Women, passed by the National Assembly in September 2004, contains provisions dealing with trafficking including sections defining the rights of trafficking victims, in addition to the same penalties and definitions of human trafficking that were later included in penal code Article 134. Those specific provisions on victims' rights and protections are listed below. Note that Article 28 includes paragraphs requiring that Lao government officials at embassies and consulates abroad assist Lao victims, and Lao government agencies in Laos assist foreign victims. Both are charged with working with foreign countries to assist in prosecutions.

Begin text of Lao Law on Development and Protection of Women:

#### Article 25. Rights of Victims

A victim means a person who has suffered from trafficking in women and children. Victims have the following rights:

1. To ask for assistance from any individual who is nearby;
2. To notify police officers;
3. To testify and present evidence relating to the case, to concerned officers;
4. To request for compensation, to be rehabilitated and to be reintegrated into the society;
5. To receive protection and care to ensure personal safety;
6. Not to be prosecuted and detained on any charge of trafficking in women and children, prostitution, [or] illegal immigration;
7. Not to be photographed, [and] not to have any video recorded or broadcast, where such would affect personal honour;
8. To receive suitable assistance in the form of shelter, food, clothes, medical services, vocational training, repatriation and others;
9. To have other rights according to laws and regulations.

#### Article 26. Duties of Society

Individuals or organisations that discover victims of trafficking in women and children or receive data or information concerning such trafficking shall report to the village administration, the police or other concerned authorities, and shall, at the same time, give assistance to victims. Party and State organisations, the Lao Front for National Construction, mass organisations, social organisations and families shall disseminate information and educate so that the whole society becomes aware of the acts and impact of trafficking in women and children in order that women and children stay vigilant and not fall victim to such trafficking and be active in combating and preventing [such trafficking].

To combat and prevent trafficking in women and children, the government establishes a national committee for prevention of trafficking in humans.

#### Article 28. Assistance by Officers to Victims

During the process, police officers must cooperate with concerned counterparts such as doctors, social workers and other parties in order to give necessary and urgent assistance, to provide medical treatment and counseling services to the victims and to send them to safe shelter. In the case where the victims are children, there shall be special treatment to restore [their] physical and mental health and to provide assistance to [meet] the specific needs of the children, in order to ensure that those children have guardians and to help them to return to their family and society.

In the case of victims abroad who are Lao citizens, the concerned Lao embassy or consulate shall give necessary and urgent assistance



to the victims, especially safety and social welfare, and shall co-operate with concerned officials of that country in order to prosecute offenders, and the victims shall be repatriated thereafter.

In the case of victims in the Lao PDR who are citizens of foreign countries, in addition to implementing the third paragraph mentioned above, Lao officials shall cooperate with the embassy or consulate of the victim's country in the Lao PDR through the Ministry of Foreign Affairs in order to repatriate the victims.

End text.

The Law on the Protection of Children's Rights, enacted on December 27, 2006, echoes the definition and penalties for trafficking that are in Article 134, further states in Article 89 that sexual intercourse with a child under age 15 is against the law, and "Any individual who offers, receive an offer, recruit or provide children under 18 years old to serve as prostitute shall be imposed a fine is deemed to have committed a crime and shall be imposed a punishment by applying (new) Article 134 of the penal code."

These laws were vetted by NGOs, including those active in anti-trafficking. A U.S. Deputy District Attorney working with the Department of Justice's Overseas Prosecutorial Development Assistance and Training (OPDAT) Program also vetted the draft of the Law on Women, parts of which were later incorporated into penal code Article 134. The Lao penal code also has provisions against prostitution, procuring, kidnapping, and selling persons. There are statutes forbidding coercion and depriving people of wages.

1D. The penalty for rape or forcible sexual assault under the Lao penal code, Article 119, is three to five years imprisonment. Abduction is punishable under Article 92 by five to fifteen years imprisonment. Rape of a minor is punishable by seven to 15 years, prostitution by up to one year, and pimping by up to three years. Some of these statutes have been used against traffickers prior to the passage of Article 134. The legal age of consent in Laos is 15.

1E. Prostitution is illegal in Laos but in practice is widespread, and authorities have usually made few efforts to halt it. Both sex workers and clients are usually Lao. Lao law prohibits foreigners from engaging in sexual activity with Lao citizens outside of marriage, and foreigners are fined regularly, or occasionally arrested, under this law. The government periodically moves to shut down establishments, such as bars, nightclubs and discos, where prostitutes operate. For example, in October and November 2007, police sought to shut down bars and entertainment venues with prostitutes in the UNESCO world heritage city of Luang Prabang, one of the region's great tourist attractions. Nevertheless, extreme poverty and lack of viable economic opportunities for young people ensure a perpetuation of prostitution in spite of anti-prostitution laws and occasional government campaigns. Campaigns against prostitution in other major cities in Laos at the end of 2007 appear to have pushed sex workers out of some entertainment venues and into other ways of meeting clients, including the use of mobile phones and meeting at guest houses, rather than clubs.

The majority of establishments offering sex workers - discos, bars, and restaurants - charge the guest a fee to take the sex worker out of the establishment. Fees usually range from 2 to 4 USD. The actual fees for sexual services are generally arranged between the sex worker and the client. Drinking establishments and guest houses frequently have prostitutes available, sometimes as employees and sometimes freelance. The activities of owners/operators of establishments with prostitutes are also criminalized, as are those of clients. Although prostitution laws are often not enforced, some researchers feel that increased enforcement by the GOL would actually result in negative consequences - prostitutes going underground and being more likely to be subjected to abuse; and also a greater likelihood of increased low-level GOL involvement in the prostitution trade.

1F. The GOL has begun to take law enforcement efforts to combat human trafficking more seriously, although some officials are still reluctant to acknowledge there is an internal trafficking problem in the commercial sex trade. According to the Ministry of Public

Security, the GOL used Article 134 to investigate 38 cases of human trafficking in 2007, resulting in 23 arrests and 8 ongoing prosecutions. An additional 20 cases are currently under investigation at the time of this reporting. The 8 cases in the courts have not yet made it to judgment or sentencing under this law during the reporting period. (Note: According to UNIAP, the MOPS reported 27 cases of cross-border trafficking and 14 convictions from November 2006-December 2007. However, it appears that those cases were "trafficking-related," and not prosecuted specifically under Article 134. End note.)

Anecdotal, press reports include the arrest of a woman in Oudomxai province by the Anti-Human Trafficking unit in December 2007 on suspicion of trafficking 2 women to China. Also in December, the LWU reported a case where the LWU shelter had provided legal assistance to a 13-year-old girl who had been forced "to entertain" drinkers in a bar in Vientiane. The girl was sent to a hospital after an illness, and hospital staff reported the case to the police, who asked the LWU for assistance. According to the LWU, the case is under investigation by the Vientiane People's Court. (Note: The LWU seeks to convince women at its shelter to cooperate with the police in investigations, with mixed success. End note.) In August 2007, newspapers reported the arrest of two women suspected of selling a niece to a Thai businessman in June, although in that case the women were arrested under prostitution charges. Post notes that the case of the 13-year old girl is significant in that local officials were able to pro-actively identify a victim of internal trafficking, provide victims' services, and begin the process of prosecuting the traffickers. Given the low levels of attention usually paid to internal trafficking, both the actions and the subsequent highlighting of the event in the government-controlled press may point to a nascent effort by the GOL to begin addressing the problem. Furthermore, the AFESIP annual report for 2007 notes the following development in the last few months of 2007: "On another side, the government authorities reacted quickly to rescue girls victims of trafficking and sexual exploitation in bars, closed the premises and arrested traffickers (bar owners)[sic]. These are also extremely encouraging results showing the positive collaboration and political will of the authorities." The AFESIP report says that authorities in Champassak and Savannakhet provinces have been particularly cooperative in locating and rescuing child victims of sexual exploitation; those in Vientiane and Oudomxai provinces less so.

1G. The GOL does provide training on human trafficking to officials, sometimes using NGOs and international organizations in addition to sessions run by GOL agencies. Examples during the reporting period include the June 2007 workshop for officials from the Ministry of Communication, Transport, Post and Construction and their local counterparts from northern provinces (road construction in northern Laos is seen as a potential risk factor for human trafficking); front line law enforcement training for 46 police and border agents June 2007 led by ARTIP; workshops every three months under the ASEAN Workshop on Criminal Justice Responses to Trafficking; June 2007 workshops by a U.S.-funded academic on patterns of trafficking and victims' needs for officials in Vientiane and Savannakhet; September 2007 training by the Ministry of Public Security for military officers (from the Ministry of National Defense) on human trafficking investigations; regular train-the-trainers courses with the Royal Thai Police on Human Trafficking Investigations Skills; UNODC and Ministry of Justice joint training for trafficking awareness; the June 2007 ASEAN Regional Taskforce Meeting in Hanoi on sexual exploitation of children; and UNIAP programs at the National University to educate students on the dangers of trafficking in January 2008.

1H. The GOL does cooperate with other agencies, particularly Thai police, to investigate and prosecute trafficking cases. Post does not have information on the total number of such international investigations, although anecdotal press reports suggest that almost all trafficking cases begin with information from victims coming from Thailand. However, according to The Asia Foundation, cross-border investigations are hampered by lack of technical resources and information. The formally-identified victims who are repatriated to Laos - roughly 280 last year - have folders of case information that are sent to the Lao authorities at the time of the repatriation. However, the information is usually hand-written in Thai, and Lao officials often cannot read the handwriting, leaving

thousands of pages of documents on specific, identified cases sitting in archives.

I. Laos has extradition agreements with Vietnam, Thailand, and Cambodia. However, the GOL has not extradited anyone for human trafficking-related crimes.

J. There is no evidence of GOL involvement in trafficking on an institutional level, nor have specific human trafficking cases been reported to the Embassy through NGOs or other means with information about the involvement of individual Lao officials in human trafficking cases during the reporting period. However, at the local level, observers believe it almost certain that some officials are involved in facilitating trafficking, sometimes in collusion with their Thai counterparts. These local Lao officials may be complicit in the smuggling and have probably been aware of the intentions of those traveling to Thailand. Anecdotal evidence strongly suggests that local officials, especially police, are often aware of smuggling activities and that some profit from them in the form of kickbacks. There is also evidence that border officials permit smuggling of all kinds, and presumably this includes humans. However, since the majority of Lao victims are trafficked once they reach their destination in Thailand, it is uncertain how many - and to what extent - Lao officials are involved in the human trafficking trade as opposed to smuggling.

K. According to the GOL, no government officials have been disciplined or punished for involvement in human trafficking.

L. Laos does not contribute troops to international peacekeeping efforts.

M. There is no evidence that Laos has a significant problem with child sex tourism, either as a destination or a source of tourists for the sexual exploitation of children. Sexual relations between foreigners and Lao citizens outside marriage are prohibited by law, and police routinely fine foreigners who are suspected of the crime. Sex with a minor under age 15 is also illegal. In practice, authorities are extremely intolerant of such activities, and pedophiles, if arrested, would likely face severe punishment. However, the increase in tourism and the child sex tourism problems in the region have attracted the attention of Lao authorities, who are attempting to prevent child sex tourism from taking root in Laos. At the June 2007 ASEAN Regional Conference on Child Sex Offenders and again at the November 2007 Greater Mekong Subregional Seminar, Lao officials presented their plans for working in coordination with the tourism sector to prevent the problem in Laos. They noted that tourism in Laos has grown from less than 900,000 visitors in 2004 to over 1.4 million visitors in 2007. Over 55% of those tourists are from Thailand, with another 23% coming from other Asian countries. "International" tourists (from Europe, Australia and the Americas) make up the remaining 22% of tourists coming to Laos.

With laws criminalizing sexual exploitation of children, Laos has strong legal codes in place. The government has called on traditional trafficking agencies - MOPS, MLSW, Ministry of Justice - to work with the Lao National Tourism Authority to combat the problem. Already many major international hotels in Vientiane and Luang Prabang - the biggest tourism destinations - have posters created by Childwise prominently displayed in bars and lobby areas. Working at the behest of the MLSW, Save the Children undertook a regional education campaign to increase awareness of the problem, including a radio program. (Note: Radio reaches over 80% of the Lao population, the largest reach of any medium in Laos. End note.) Tourism sector employees are receiving training to report suspicious behavior, including a seminar jointly hosted by the GOL and NGOs in Luang Prabang in September 2007. Tourism police have guidelines drafted in July 2007 for using the laws and identifying potential victims. Training of tourist police in the use of these guidelines continued until the end of the year in Savannakhet, Champassak, and Vientiane. The guidelines state that protecting children from child sex tourism and child labor abuse in the tourism industry is a primary objective for the tourism police. Laos also has a telephone number available to report incidents, although Post has no information on specific cases reported through this mechanism. Vientiane Province established a task force on child sex tourism in December 2007 to coordinate efforts between the authorities and the

tourism sector. In December 2007, the Lao Youth Union hosted a major event to warn against the exploitation of children, garnering coverage through all Lao media and including statements by the Deputy Foreign Minister and other senior Lao officials to raise awareness of the problem. See note in paragraph F above on police reacting to reports of child prostitutes, based on AFESIP's annual report.

#### XXIX. Protection and Assistance to Victims

A through C. The MLSW and the Immigration Department, in cooperation with IOM, UNIAP, and AFESIP, work together to provide victims' assistance. The MLSW maintains a small transit center for that purpose in Vientiane. The transit center has assisted more than 1044 human trafficking victims since it opened in late 2001, including approximately 280 in 2007 and 21 in January 2008. The GOL cooperates with IOM to protect and counsel returnees who have been processed through the MLSW transit center. Victims stay in the transit shelter for approximately one week, while officials attempt family assessments and counseling. Victims are asked whether they wish to return to their families or need additional time in a shelter. Very few request referrals to the LWU or AFESIP shelters since they spent 5-8 months, on average, in a shelter in Thailand before being returned to Laos. GOL officials escort victims home when that is the choice made by the victims. Those victims not ready to return home are referred to the AFESIP shelter or the LWU shelter for longer term care and vocational training. The LWU shelter for victims of domestic violence and trafficking opened in late 2005 with joint funding from UNICEF, the Japanese Government, and The Asia Foundation. It provided shelter and legal, medical, and counseling assistance to 48 women in 2007 and 40 in January/February 2008. Approximately one third were trafficking victims. AFESIP opened its shelter in Vientiane in October 2006, dedicated to providing longer-term shelter and counseling for victims of sexual exploitation, both domestic and those returned from abroad. That shelter assisted 20 victims as long term residents in 2007 and currently has 19 residents. In addition, AFESIP provided 46 other victims with vocational training and employment services on an "outpatient" basis. In October 2007 AFESIP broke ground on a new shelter for trafficking victims in Savannakhet, which is expected to open in 2008. AFESIP will construct a second transit center, to be run by the MLSW, on the same piece of land. The MLSW provided the land for the shelter and transit center.

Generally the government does not have the resources to provide extended care to trafficking victims, beyond the basic services at the MLSW transit center, and requests assistance from NGOs, negotiating MOUs and terms of reference. When possible, the government does provide assistance in kind, for example, providing the land for the AFESIP shelter in Savannakhet. The LWU has a representative in every village in Laos and helps to monitor cases of victims returning home after staying in its shelter.

1D. Trafficking victims are currently identified through a formal program with Thai authorities, whereby Thailand identifies the victims, provides initial shelter and some counseling, then repatriates them to Laos. IOM and the Lao Embassy in Bangkok facilitate the process. In 2007, approximately 280 trafficking victims were returned to Laos under this mechanism and another 21 followed in January 2008. Staffing problems in Thailand resulted in February's repatriation being postponed until March 2008. The victims spend a week at the transit center, then are returned home or referred to the LWU or AFESIP shelters. Domestic trafficking victims, such as girls found working in the "beer shops," can be referred to either shelter as well. There is currently no figure available for domestic trafficking victims.

1E. Prostitution is not legal in Laos.

1F. Trafficking victims returned through the formal process described in paragraph D above are not jailed. They are placed in a transit shelter one week while officials and social services staff from the MLSW conduct assessments, then are returned home or sent to longer term shelters at the victims' request. The elimination of exit visas in January 2007 and the elimination of the "fines" for returning migrants in 2005 have helped protect victims from legal prosecution. None of the organizations we spoke to could identify a specific instance of identified trafficking victims being forced to pay fines



to local authorities for returning home. (Monitoring of returned victims, incidentally, has greatly improved over the reporting period, with IOM and AFESIP both working with local Departments of Labor and Social Welfare to track reintegration procedures and programs.) The MLSW and other GOL parties continue to instruct provincial authorities that they cannot fine returning trafficking victims. Post has heard anecdotally of cases of female victims of domestic trafficking simply "freed" from the bar owners and sent home, while the bar owners are apparently facing prosecution. There have been no attempts to prosecute or fine victims of domestic trafficking or sexual exploitation who have passed through either the AFESIP or LWU shelter.

G and H. Laos has no victim restitution program. The GOL has no special program for witness protection, a matter of concern to the trafficking police, although the law calls for the protection of the victims' identities (see section 28, Law on the Protection of Women, Article 25, "Rights of Victims"). In theory, a trafficking victim could file a civil suit against a trafficker, although this has not been done in practice. Access to legal redress is gated mostly by culture and resources for both the victims and the legal community. Most Lao, including trafficking victims, are not familiar with the use of court procedures to redress grievances of any kind. The legal aid clinic program run by the Lao Bar Association is working to teach people how lawyers can provide assistance, although there are only 82 member of the bar in Laos. The Ministry of Justice is also working to disseminate information on this issue, include a January 2008 seminar in Xieng Khouang province, which trained local leaders in the role of lawyers and provided information on the laws on the protection of women and children, the human trafficking law, and others. Most Lao use mediation and arbitration through respected village leaders to settle disputes. NGOs report stories of victims asking for village leaders to intervene in local situations where brokers may have acted in bad faith, but those situations are often not reported to the authorities. With only 10,000 or so policemen in the entire country, many villages do not have local law enforcement personnel to even take reports, much less conduct thorough investigations. Many trafficking victims may not even know that legal avenues exist, which is why the LWU and other mass organizations expend so much effort on disseminating laws. The MLSW has a small unit devoted to protecting children with special needs, including a program for protection against and prevention of trafficking. See paragraphs A-F above for more details of the shelters, services, and funding provided to assist victims.

I. The government does provide training in all areas of the trafficking problem, supported by NGOs, international organizations, and regional bodies, although targeted toward specific at risk provinces. See paragraph E in Section 28, for a representative, albeit not comprehensive, list of training programs. Representatives at Lao embassies abroad are also instructed in their duties to assist in repatriation of victims, as noted in Section 28 in the text of the Law on the Protection of Women. Lao representatives at the Embassy in Thailand, for example, work with IOM and the MLSW to repatriate Lao victims. The Lao Embassy in Bangkok has a special unit charged with assisting migrants and trafficking victims. Usually the unit provides documents for the repatriation, if necessary, and coordinates shelter and assistance with the authorities in Thailand. The unit has, on occasion, funded the return of truly destitute victims who are not returned via the Thai shelter/IOM mechanism, although the MFA does not keep track of those numbers. Officials from the Lao Embassy in Bangkok have also escorted returnees to Laos on some occasions, according to the MFA. The Thai Center for the Protection of Children's Rights (CPCR) and the Foundation for Women of Thailand have also been involved with this effort.

The MLSW has a unit dedicated to protecting children identified as trafficking victims, and both the AFESIP shelter and the LWU shelter have programs in place for younger children. Approximately 60% of the victims of human trafficking returned from Thailand are under age 18.

J. The government provides initial medical screening and counseling for victims in a transit shelter in Vientiane, as well as counseling, medical services, vocational training, employment services, and ongoing monitoring to victims sent to the LWU shelter. AFESIP, under an MOU, provides similar services and monitoring for

the victims referred to its shelter. IOM and AFESIP, with assistance from MLSW, currently try to monitor victims reintegrated directly into the community after staying in the transit shelter. The LWU also does monitoring of former victims.

1K. The GOL does not have the means to fund NGOs or international organizations working in Laos. However, the GOL provides office space (to IOM and others), land for shelters (to AFESIP), and staff (usually MLSW or LWU) to assist in monitoring and assistance programs run by NGOs and IOs. The LWU shelter is staffed with LWU employees for example, but funded by outside organizations. The GOL does keep a close eye on NGOs working in victims' assistance as part of the overall effort to coordinate programs. MOUs are signed and workplans developed to meet the needs in particular provinces and among specific populations. To the extent its resources allow, the GOL does appear to provide or refer victims to appropriate organizations to get assistance.

The following IOs and NGOs work in Laos: UNDP:UNICEF; UNIFEM; UNODC; UNFPA; ARTIP; Save the Children, Australia; Save the Children, Norway; Save the Children, UK; International Labor Organization; Norwegian Church Aid; World Vision; Asia Regional Cooperation to Prevent People Trafficking; World Education/Consortium; Village Focus International; IOM; Care, International; AFESIP; Childwise; Friends International; and Oxfam.

### XXX. Prevention:

1A. The GOL acknowledges trafficking as a problem at the highest levels and has made combating trafficking in persons a national priority, within its limited means.

1B. With NGO and UNICEF funding, the MLSW has sponsored media messages on the dangers of trafficking. In July 2007, the Government-controlled Lao media published a study on the impact of the trafficking awareness campaign, noting for example that 71% of young people had heard the term "human trafficking" and that the majority had heard it from the media. Programs at the National University of Laos and "feature" articles in the press warn young people of the dangers of trafficking regularly. The MLSW also worked with UNICEF to set up awareness-raising billboards near border checkpoints and in Laos' larger cities. Many Lao schools, libraries, and public buildings also have posters on the dangers of trafficking. In December 2007, the Lao Youth Union held a day-long event with workshops, puppet shows, and plays to address child trafficking specifically. The event, led by the Deputy Prime Minister/Minister of National Defense, was covered widely in the Lao press, including radio, television, and print. The Deputy PM also specifically warned of the dangers of child sexual exploitation and domestic trafficking, showing that the government is beginning to focus on these problems in Laos.

1D. The Government of Laos cooperates with IOM and United Nations agencies, particularly the UNIAP, to monitor, document, and suggest remedies for trafficking-related problems. Since 2001, the MLSW, acting with international NGOs, has conducted data collection and simultaneous parallel public education campaigns. IOM and the MSLW have a number of studies of trafficking patterns underway, including the study on patterns of child trafficking cited earlier. See section 27, paragraph E for more details. In most places borders can be crossed easily by land or by boat, and the GOL has a very limited capacity to monitor border areas outside established immigration and customs posts.

1E. There are several mechanisms for coordinating anti-trafficking issues among agencies. The Ministerial Committee on Trafficking, established in 2004 as part of Laos' COMMIT commitment, is one such avenue and is designed primarily to coordinate among Lao government ministries. The Inter Agency Coordination Committee, chaired by UNIAP, includes any interested NGO or diplomatic community representative as well as representatives from the MFA, Ministry of Justice, MOPS, MLSW, and the Prosecutor's Office. This group meets approximately every 3-4 months to discuss new initiatives, share information, and request assistance from each other or a government ministry. (For example, NGOs are sharing phone numbers, brochures, and other materials that will be included in multi-agency "Safe Migration" kits for distribution in areas with at-risk populations



and will include information on how to identify trafficking risks and how to seek assistance, including telephone numbers in both Laos and Thailand. This initiative began when three agencies learned that they were all working on contact information cards for those at risk.)

The GOL is currently working with UNIAP to develop an action plan to address prevention, prosecution, protection, and reintegration for 2008 and 2009. NGOs were asked in January 2008 to fill in areas on the plan grid where they are currently working so the GOL can identify the gaps. At the January 2008 meeting, and based on the plans for upcoming years, NGOs are concerned that their focus on international trafficking means they don't have experience on the ground in Laos to work on the commercial sex trade issues that the government has identified as areas of future concern, for example, in the casinos built by the Chinese in northern provinces. NGOs now are not sure how to work with commercial enterprises or deal with a trafficking victim when the victim is already at home. Current standards of protection - removal of the victim from the situation and return home with assistance - won't work as the model, and the NGOs are not sure how to proceed. This kind of discussion and problem identification bodes well for future efforts in Laos. The State Inspection Committee, chaired by the Deputy Prime Minister, is charged with overseeing anti-corruption efforts.

¶F. The GOL held its first national meeting to combat human trafficking in 2006 and completed the national plan to combat trafficking in persons in July 2007. Any representative of a foreign embassy, NGO, or IO with an interest in trafficking was welcome at a series of open meetings on the draft NPA and could actively participate in working groups to establish the performance evaluation metrics that are included in the plan. Although the last country in the region to complete an NPA on human trafficking, Laos will apparently be the first to include metrics for evaluation in its plan. According to the MLSW, the plan was approved by the National Assembly in October 2007 and is waiting final ratification by the Prime Minister's office. MFA officials told Emboff that the delay is caused by Cabinet concerns over whether Laos will have the budget to fully implement the NPA.

¶G. The government's efforts to combat prostitution appear to be limited to law enforcement activity against owners and operators of venues and public awareness campaigns on child sexual exploitation (cited above). Police periodically move to shut down establishments, such as bars, nightclubs and discos, where prostitutes operate. For example, in October and November 2007, police sought to shut down bars and entertainment venues with prostitutes in the UNESCO world heritage city of Luang Prabang, one of the region's great tourist attractions. Nevertheless, extreme poverty and lack of viable economic opportunities for young people ensure a perpetuation of prostitution in spite of anti-prostitution laws and occasional government campaigns. Campaigns against prostitution in other major cities in Laos at the end of 2007 appear to have pushed sex workers out of some entertainment venues and into other ways of meeting clients, including the use of mobile phones and meeting at guest houses, rather than clubs.

¶31. BEST PRACTICES: Post considers the Interagency Coordination Committee meetings cited in paragraph E, above, as a best practice. The coordination has resulted in specific actions by NGOs and IOs, including the collaboration on the Safe Migration campaign, to improve the use of their resources and broaden their reach. It also helps the NGOs collectively identify future problems and resource gaps, such as their concerns over commercial sex trade and domestic trafficking initiatives. The Committee meeting has also served to identify overlaps and deconflict programs. For example, Save the Children and World Vision have identified that they are both working on a very similar program for youth, but in geographically distinct areas. Finally, the meeting gives the NGOs and international organizations (and interested Embassy representatives) a forum for collectively raising trafficking issues to representatives from a group of Lao ministries at the same time, giving the "sense of the community" greater weight that it otherwise might have. We note that the ICC process generally has the NGOs/IOs meet together first and then join an expanded meeting that includes the GOL representatives. The "Committee" is chaired by UNIAP on the NGO side and the Director General of the MFA's International Organizations Department on the government side.